

Here is a brief outline of the main provisions of the bills Senator ALLARD and I are introducing today, and the few points on which it differs from the earlier version of last year:

Here's what the bill would do, with changes from last year's bill noted in italics:

Maintain federal ownership of the property  
Preserve the Lindsay Ranch Homestead facilities

Prohibit annexation of the site by any local government

Prohibit through roads

Allows up to *300 feet of land along Indiana Street* to be used in the future for transportation improvements (conditional on support of local communities, conformance with DRCOG's Regional Transportation Plan, and *minimization of any adverse impacts to the refuge*)

Require DOE to continue to cleanup and close the site

Continue the federal government's long-term obligation for cleanup

Require the DOE and the U.S. Fish and Wildlife Service to develop an agreement document on how the land and natural resources will be managed during cleanup

Requires the DOE to retain ownership of any long-term cleanup and pollution control facility (with consultation with federal and state agencies)

Require DOE to cleanup the site under the levels established by the regulators, the public and interested state and federal agencies based on science, law and agreements reached with the public on appropriate cleanup levels (directs that the National Wildlife Refuge cannot be used to affect the level of cleanup)

Direct that the refuge's management will be consistent with refuge-system laws, while allowing *wildlife-dependent* public use where appropriate and consistent with wildlife protection

Create a public involvement process to advise the U.S. Fish and Wildlife Service on how the refuge should be managed and to address other issues such as use of the site for wind power research, perimeter fencing, and a visitor center

Protect existing property rights, such as existing mineral rights, water rights and rights-of-way for utilities—subject to reasonable conditions to protect cleanup actions and refuge resources

Require the DOE to attempt to purchase mineral rights at Rocky Flats

*Allow the owners of any water-related easements on the site to do any needed surveys.*

Authorize the creation of a Rocky Flats Museum to commemorate the work done at this site in helping to win the cold war and its challenging cleanup legacy

Require DOE and the U.S. Fish and Wildlife Service to identify funding needs

The bill will not:

Affect ongoing cleanup activities

Allow for the reduction of the extent of cleanup based on the creation of a refuge

Reduce the levels of funds allocated for cleanup work (cleanup and closure are to remain priorities)

Transfer any existing land from the site for other purposes (except for the possibility of some land along the eastern boundary for transportation improvements along Indiana Street, possible leasing on the site for wind power research, and utility rights-of-way)

*Direct that a practice shooting range now on site remain when the site is converted to a wildlife refuge*

Let me take a moment to address a few of the more important issues that were raised by the local communities and other parties and how they are addressed in this bill.

First, transportation issues. Rocky Flats is located in the midst of a growing area of the Denver metropolitan region. As this area continues to grow, pressure is being put on the existing transportation facilities just outside the borders of the site. In addition, the Denver-metropolitan region has been constructing a beltway around the city. The last segment of this beltway yet to be completed or approved for construction is to be in the northwest section of Denver, the same general areas where Rocky Flats is located. The communities that surround the site have been considering transportation improvements in this area for a number of years—including the potential completion of the beltway. However, we are willing to continue to listen and to work with the local governments and the public on this issue.

So, one of the questions on which Senator ALLARD and I sought comments was whether our bills should allow some use of Rocky Flats land to assist in addressing the transportation needs and future demands. We asked for and received the views of the public and the local communities. That input, along with the recent decision by the local communities to forego for now the construction of the beltway in the northwest region of Denver, overwhelmingly indicated that the bill should allow for possible availability of some land along Indiana Street along the eastern boundary of Rocky Flats for this purpose, but that the bills should not specifically provide for a more far-reaching availability of Rocky Flats land for a beltway. So the bills we are introducing reflect that position.

Second, the Rocky Flats Cold War Museum. This section of the bill authorizes the establishment of a museum to commemorate the cold-war history of the work done at Rocky Flats. Rocky Flats has been a major facility of interest to the Denver area and the communities that surround it. Even though this facility will be cleaned up and closed down, we should not forget the hard work done here, what role it played in our national security and the mixed record of its economic, environmental and social impacts. The city of Arvada has been particularly interested in this idea, and took the lead in proposing inclusion of such a provision in the bill. However, a number of other communities have expressed interest in also being considered as a possible site for the museum. Accordingly, the bills being introduced today provide that Arvada will be the location for the museum unless the Secretary of Energy, after consultation with relevant communities, decides to select a different location after consideration of all appropriate factors such as cost, potential visitorship, and proximity to the Rocky Flats site.

Third, private property rights. Most of the land at Rocky Flats is owned by the federal government, but within its boundaries there are a number of pre-existing private property rights, including mineral rights, water rights, and utility rights-of-way. In response to comments from many of their owners, the bills acknowledge the existence of these rights, preserve the rights of their owners, including rights of access, and allow the Secretaries of Energy and Interior to address access issues to continue necessary activities related to

cleanup and closure of the site and proper management of its resources.

With regard to water rights, the bills protect existing easements and allow water rights holders access to perfect and maintain their rights. With regard to mineral rights, the bills urge the Secretaries of Energy and Interior to seek to acquire these rights from existing owners—but ensure that no funds from cleanup and closure can be used to accomplish this goal. Finally, with regard to power lines and the proposal to extend a line from a high-tension line that currently crosses the site, the bills preserve the existing rights-of-way for these lines and allows the construction of one power line from an existing line to serve the growing region northeast of Rocky Flats.

Fourth, the National Renewable Energy Laboratory's (NREL) National Wind Technology Center. This research facility, which is located northwest of the site, has been conducting important research on wind energy technology. As many in the region know, this area of the Front Range is subjected to strong winds that spill out over the mountains and onto the plains. This creates ideal wind conditions to test new wind power turbines. I support this research and believe that the work done at this facility can help us be more energy secure as we find ways to make wind power more productive and economical. The bills we are introducing today preserve this facility. It is outside the boundaries of the new wildlife refuge that the bill would create and thus would be allowed to continue at its present location. In addition, NREL has been considering expanding this facility onto the open lands of Rocky Flats. The bill allows NREL to pursue this proposal through the public involvement process.

Fifth, the bill does not include language to retain the existing shooting range on the site. This range—constructed by the DOE to train the site's security forces—has been used for local law enforcement training, and some have suggested that the bill should require it to remain available. However, under current cleanup plans the range is to be eliminated, and we are aware that both the public and local governments have concerns about the desirability of having such a range in a wildlife refuge. So, given the fact that the local governments are willing to work to locate an alternative facility, we have not included language in the bill to require that it remain.

Finally, cleanup levels. As this legislation has been developed, some concerns have been expressed that the establishment of Rocky Flats as a wildlife refuge could result in a less extensive or thorough cleanup of contamination that has resulted from its prior mission. Of course, that was not the intention of the bill I introduced in 1999 and it is definitely not the intention of the bills being introduced today. The language in these bills has been drafted to ensure that the cleanup is based on sound science, compliance with federal and state environmental laws and regulations, and public acceptability. The bills now tie the cleanup levels to the levels that will be established in the Rocky Flats Cleanup Agreement (RFCA) for soil, water and other media following a public process to review and reconsider the cleanup levels in the RFCA. In this way, the public will be involved in establishing cleanup levels and the Secretary of Energy will be required to conduct a thorough cleanup based on that input. In addition, the bills require that the establishment of the site as a